

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
Brooklyn Division

CV 12-4418

IRIZARRY, J.
CLERK, M.J.

RUBEN DIAZ, RENE FERNANDEZ,)
MOHAMMED ISMAT, PRADIP SAHA,)
RAMANDRA SAHA, MAXINE SMITH,)
ABDUR RAQUIB, JOHNNY RAMIREZ,)
MADGY SAAD, WALTER FREIRE,)
MOZIBUR RAHMAN,)
CHRISTOPHER STAVROPOULOS,)
ABDUR RAHMAN, SYED AHMED,)
WALTER GARCIA, ASHIF MIRU,)
BISWA SAHA, SAYOT ALPHONSE,)
ALBERTO PRADO,)
MAURICE SCHWARTE,)
ABELLA BOUALE, DENZIL HANNAH,)
MILAD BARSOUM,)
MOAZZEMUL HAQUE,)
ARUN SAHA,)

Plaintiff,)

v.)

AMEDEO HOTELS LIMITED)
PARTNERSHIP, NWPH, LLC,)

Defendants.)

Case No. _____

FILED
CLERK
2012 SEP -5 AM 11:09
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

NOTICE OF REMOVAL

Defendant AMEDEO HOTELS LIMITED PARTNERSHIP, a New York limited partnership, has been named and served as a Defendant in the civil action Ruben Diaz, Rene Fernandez, Mohammed Ismat, Pradip Saha, Ramandra Saha, Maxine Smith, Abdur Raquib, Johnny Ramirez, Madgy Saad, Walter Freire, Mozibur Rahman, Christopher Stavropoulos, Alberto Prado, Maurice Schwarte, Abella Bouale, Denzil Hannah, Milad Barsoum, Moazzemul Haque, and Tirsa Haynes v. Amedeo Hotels Limited Partnership, NWPH, LLC, Index Number 20502/11 filed in the State of New York Supreme Court in and for Kings County, New York

[hereinafter referred to as the "Lawsuit"]. A copy of the Third Amended Complaint is attached as **Exhibit "1"**. AMEDEO HOTELS LIMITED PARTNERSHIP now removes the Lawsuit to this Court pursuant to 28 U.S.C. § 1441. Co-defendant NWPH, LLC expressly consents to removal. In support of this Notice of Removal, Defendant shows as follows:

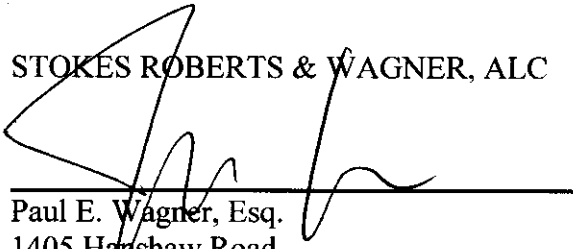
1. On August 5, 2012, plaintiffs filed the Third Amended Complaint.
2. AMEDEO HOTELS LIMITED PARTNERSHIP was served the Third Amended Complaint on August 14, 2012 by mail. See Declaration of Paul E. Wagner, Esq. attached hereto as **Exhibit "2" and ¶5**.
3. In their Third Amended Complaint, the plaintiffs alleged, for the first time in this action that Defendants violated the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et. seq.*. **Exhibit 1, ¶s 67-69**. This pleading constituted the first document received by Defendants in this case from which it could be ascertained that the action had become removable. 28 U.S.C. § 1446(b)(3).
4. Under 28 U.S.C. § 1331, this Court possesses original jurisdiction over all civil actions arising under the laws of the United States, including actions under the Fair Labor Standards Act. Accordingly, rights created by federal law constitute essential elements of plaintiff's claims for relief and their construction is necessary to the maintenance of this action.
5. The Supreme Court for the State of New York in and for Kings County, New York is embraced by this Court's district and division.
6. All of the materials filed in connection with the State court action are attached hereto as **Exhibit "3"**.
7. Plaintiffs' Complaint, therefore, may be removed to this Court pursuant to 28 U.S.C. § 1441(a), which allows a defendant to remove an action within this Court's original

jurisdiction. Plaintiffs' claims under Articles 6 and 19 of the New York Labor Law also may be removed to this Court pursuant to 28 U.S.C. § 1441(c), which allows the removal of claims that have been filed with those arising under 28 U.S.C. § 1331.

8. This Notice is filed within thirty (30) days of the service of Plaintiffs' Third Amended Complaint upon all Defendants. 28 U.S.C. § 1446(b).

This 24th day of August, 2012.

STOKES ROBERTS & WAGNER, ALC



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